

## II. REMARKS

### OVERVIEW

Claims 1-13, and 16-19 are pending in the present application.

Claims 1-10 and 12-19 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,667,247 to Ramsburg et al., and claim 11 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ramsburg et al. in view of U.S. Patent No. 5,511,114 to Stimson et al.

Claims 1 and 19 (all of the independent claims) have been amended. Claim 16 has been amended. Claims 14 and 15 have been canceled. Specifically, the terms from canceled claims 14 and 15 have been inserted into the amended independent claims 1 and 19.

A foldable data card assembly has been disclosed and claimed, and is embodied at least in Figure 3 and Figure 4 of the specification. At least one of the base portion and first lateral portion contain an aperture. A portion of said second lateral portion is visible through the aperture when the second lateral portion is in the stowed position (first folding action) and the first lateral portion is in the covering position (second folding action).

Thus, the aperture remains exposed after the second lateral portion is in the stowed position (first folding action), and the aperture continues to remain exposed after the first lateral portion is in the covering position (second folding action). Figure 4 clearly illustrates that the aperture 175 discloses a portion of the second lateral portion after the assembly has been folded. Specifically, in Figure 4 a card activation information 170 on the second lateral portion is visible through the aperture 175 after the assembly has been folded.

**35 U.S.C. 102(B) REJECTIONS, ALLEGED ANTICIPATION BY  
RAMSBURG (U.S. PATENT 5,667,247)**

**A. Claim 1 (Amended) and Claim 11 (Amended) Are Not Anticipated by Ramsburg**

*1. Independent Claim 1 (Amended)*

Claim 1 (Amended) recites “wherein at least one of the base portion and first lateral portion contain an aperture” and “wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position.”

*2. Ramsburg*

Ramsburg discloses an assembly wherein an aperture is used for viewing a portion of a card during the assembly process. However, the aperture is totally sealed inside of the package after the package is folded. Thus, the aperture is not visible after the package is folded, and nothing is visible through the aperture after the package is folded.

Specifically, Ramsburg Figure 2 discloses indicia 25 on second face 28 of card 24. The card 24 is flipped (rotated 180 degrees) and attached to the cold glue 20 such that indicia 25 is visible through cutout (or aperture) 19.

Ramsburg Figure 3 shows the other face of the card 24, after attachment to the cold glue. The aperture is below the card 24, and is not visible from this top view. However, the aperture is visible from the bottom view (not shown). This configuration is discussed at column 4 lines 55-60:

After the card 24 has been applied to the web 16, with the second face 28 (see FIG. 2) of the card held by the adhesive 20, the identifying numbers 25 (see FIG. 4) are visible through the cutout 19. These indicia 25 are verified by a machine--typically a camera which looks up from the web 16 to view indicia 25.

Ramsburg Figure 4 is the camera view of indicia 25 visible through cutout 19. It is important to note that element 54 is merely a simulation or representation of the card 24, and is not the actual card 24. Only the indicia 25 of the card 24 is visible through cutout 19 in this camera view. The remainder of card 24 is hidden from view. This simulation 54 is discussed at column 5 lines 54-62:

Particularly where telephone debit cards are to be included in the package 10 according to the invention, a representation/simulation of the first face 53 (see FIG. 3) of the card 24 is provided on the first face 46, as illustrated generally by reference arrow 54 in FIG. 4. The simulation 54 also includes the value of the card 24, for example as indicated by the value indicia 55 (e.g. 15 units, such as long distance minutes) corresponding to the actual unit indicia 56 (see FIG. 3) on the actual card 24.

Finally, Ramsburg Figure 5 indicates the final package after folding, wherein the card 24 is completely hidden. See column 6 lines 31-40:

As earlier indicated, FIG 5 indicates the final package 10 according to the invention. The side edges of the package 10 are sealed by the adhesive patterns 31, which connect the second faces (32) of the first and second panels 63, 64 together and the first face (46) of the first panel 63 to the second face 32 of the third panel 65, after C-folding. In this configuration the second face 32 of the panel 65 covers the cutout 19 while the second panel 64 covers the first face 53 of the card 24, so that the card 24 is completely hidden within the package 10. [Emphasis added].

In other words, the Ramsburg cutout (or aperture) 19 is only used to view a portion of the card during the assembly process (before folding), and the cutout 19 is completely hidden after the folding. Only a simulation 54 of the card is visible after folding, and the card 24 is completely hidden.

Thus, Ramsburg does not disclose “wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position” as required by independent claim 1 (Amended) of the present application. Applicants respectfully submit that for at least this reason, claim 1 (Amended) should be allowed.

*3. Independent Claim 19 (Amended)*

Claim 19 (Amended) recites “wherein at least one of the base portion and first lateral portion contain an aperture” and “wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position.”

For the same reasons as discussed above regarding claim 1 (Amended), Ramsburg does not disclose “wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position” as required by independent claim 19 (Amended) of the present application.

**B. Dependent Claims 2-10, 12-13, and 16-18**

The Applicants submit that claims 2-10, 12-13, and 16-18 are all directly or indirectly dependent on claim 1, which has been shown to be patentable over the cited reference. The Applicants therefore submit that claims 2-10, 12-13, and 16-18 must also be patentable over Ramsburg and should be allowed. The Applicants therefore respectfully request that the rejection of claims 2-10, 12-13, and 16-18 be withdrawn.

Dependent claims 14 and 15 have been cancelled, and thus their rejections are moot.

### **35 U.S.C. 103(A) REJECTIONS**

**A. Claim 11 is not Unpatentable Over Ramsburg In View of Stimson et al., U.S. Patent 5,511,114**

Claim 11 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ramsburg in view of Stimson et al. Claim 11 is indirectly dependent on claim 1 (Amended). The above Amendment and Remarks show that Ramsburg does not teach the required limitations of claim 1 (Amended). The Applicants therefore respectfully submit that since the base claim (claim 1) of dependent claim 11 has been shown allowable, then claim 11 must also be allowable over Ramsburg.

The teachings of Stimson, even if combined, do not cure the deficiencies of Ramsburg. Specifically, Stimson does not teach, disclose or suggest “wherein a portion of the second lateral portion is visible through the aperture when the second lateral portion is in the stowed position and the first lateral portion is in the covering position” as required by base claim 1 (Amended). The Applicants therefore submit that claim 11 is patentable over the cited reference combination. The Applicants therefore request the rejection of claim 11 be withdrawn.

### III. CONCLUSION

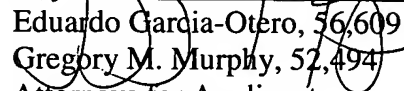
For all the reasons set forth above, it is respectfully submitted that all outstanding rejections and have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. All amendments are supported by the specification and claims as originally filed. Applicant accordingly submits that these claims are in a condition for allowance. Reconsideration and allowance of all claims are respectfully requested.

Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 08-3436 for any fees or overpayments related to the entry of this Amendment, including any extension of time fees and new claims fees.

Respectfully submitted,

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By: \_\_\_\_\_

  
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